

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: January 2, 2020

Judge: Hon. James Donato

Time: 6 Minutes

Case No. C-17-04492-JD

Case Name Rushing et al v. Viacom Inc. et al

Attorney(s) for Plaintiff(s): Michael W. Sobol/Doug I. Cuthbertson/David F. Slade

Attorney(s) for Defendant(s): Kathryn Cahoy/Jonathan H. Blavin/Patrick Carey/
Cameron J. Clark/Sarah E. Diamond/
Rommy L. Flores/Raghav Krishnapriyan/Abraham A. Tabaie/
James G. Snell – Non-Party

Deputy Clerk: Lisa Clark

PROCEEDINGS

Telephonic Discovery Hearing (Not Reported) – Held

NOTES AND ORDERS

The Court hears argument on the discovery dispute raised in Dkt. Nos. 103 & 106.

The Court orders production along the lines proposed by plaintiff in her discovery dispute letter. Dkt. No. 106. Specifically, plaintiff will produce to defendants the forensic testing results referenced in her amended complaint, including its underlying methodology, and she will also provide written responses to relevant interrogatories disclosing the methodology and results of the forensic testing.

Plaintiff's production of this information will not be deemed a waiver of any applicable protections under Federal Rule of Civil Procedure 26(b)(4)(D), and the production and disclosures will not transform her consulting expert into a testifying expert under the Rules. Defendants will retain their right to argue that plaintiff has waived any protections from disclosure by relying on her consulting expert's work product in her pleadings.

Defendants may not depose plaintiff's consulting expert at this time, but they may request to do so if plaintiff's testifying expert cannot answer questions about any of the consulting expert's forensic testing plaintiff will rely on at trial.